

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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DATE FILED: 12/21/2023

BENIGNO ARGUDO, on behalf of himself,  
individually, and on behalf of all others similarly-  
situated,

Plaintiff,

-against-

RUGO, LLC d/b/a PORTOFINO RESTAURANT,  
and MARIO RUGOVA, individually,

Defendants.

**Case No.: 21-cv-05511-GHW**

**ORDER GRANTING  
PLAINTIFF'S MOTION TO  
COMPEL THE DEPOSITION OF  
DEFENDANT MARIO RUGOVA**

This matter having been brought before this Court by Andrew C. Weiss, Esq., attorney of record for Plaintiff, for an Order compelling the deposition of Defendant Mario Rugova pursuant to Federal Rules of Civil Procedure 30(b)(1) and 69, and the Court having considered the moving papers and arguments made by counsel for all parties on December 21, 2023, wherein counsel for Defendants conceded that Plaintiff properly noticed Defendant Mario Rugova to be deposed and Defendant Mario Rugova subsequently failed to appear, it is hereby:

ORDERED that Plaintiff's motion to compel the deposition of Defendant Mario Rugova is GRANTED; and


ORDERED that Plaintiff is to supplement his initial motion papers with an affidavit attaching the invoice for the December 6, 2023 deposition that Defendant Mario Rugova failed to attend; and

ORDERED that Defendant Mario Rugova shall appear at the law offices of Borrelli & Associates, P.L.L.C., 910 Franklin Avenue, Suite 200, Garden City, New York, 11530, at 10:00 a.m. on Wednesday, January 3, 2024, to sit for his deposition; and

ORDERED that should Defendant Mario Rugova fail to appear at the above-mentioned time and place for his deposition, upon application by Plaintiff, this Court may impose sanctions including, but not limited to, reasonable expenses and attorneys' fees associated with the deposition and Plaintiff's prior attempts to conduct this deposition as well as the associated motion practice, pursuant to Federal Rule of Civil Procedure 37; and

ORDERED that should Defendant Mario Rugova fail to comply with this Court's Order, he may, upon application from the Plaintiff and at this Court's discretion, be held in contempt, and thus, be subject to additional monetary sanctions and such other relief as the Court deems proper.

**SO ORDERED** THIS 21st day of December, 2023.  
New York, New York

  
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THE HONORABLE GREGORY H. WOODS  
UNITED STATES DISTRICT JUDGE